ORDER:

None appears for the petitioners. Perused the record.

Challenging the action of the respondents in retiring the petitioners at the age of 58 years and to declare that the petitioners, being workmen, are entitled to continue in service till they attain age of 60 years and for consequential benefits, the present Writ Petition is filed.

It is the case of the petitioners that they, being workmen within the meaning of the Industrial Disputes Act, 1947, are entitled to continue in service up to the age of 60 years; the decision of the respondents in retiring the petitioners from service on their attaining age of 58 years is illegal and arbitrary, and contrary to its own circulars and the law laid down on this aspect. Hence, the Writ Petition.

The respondents filed counter stating that O & M staff working in inferior cadre viz. below the cadre of Helper, are given retirement on their attaining age of 60 years, whereas the petitioners, who are in the cadre of Helper, were given retirement on their attaining age of 58 years.

Learned counsel for the respondents contended that the employees who are in the lower category of foreman have to retire after attaining age of superannuation of 58 years and the petitioners were retired on their respective dates of retirement, and therefore, having received all the benefits, the petitioners can not turn round and say that they are entitled to continue up to 60 years.

No rules have been filed to show that the petitioners are entitled to continue up to the age of 60 years. Though it is stated that the person, who are engaged in the operation and maintenance, were treated as Workman belonging to inferior service, the same has to be

decided by adducing necessary evidence. Whether the petitioners are workmen or not, can not be decided in this Writ Petition.

The Writ Petition is devoid of merits and is, accordingly, dismissed. No costs.

(K.C.Bhanu, J.)

01.09.2005

DRK

THE HONB'E SRI JUSTICE K.C.BHANU

WRIT PETITION No. 12604 of 2001

Date: 01.09.2005

Between:

1) Syed Nawab John, s/o. S.A.Sattar Saheb,

Rtd. Line Inspector in APSEB, r/o. Suryapet,

Nalgonda district & 9 others

…Petitioners

and

1)The Chairman & Managing Director, A.P.Transco

Limited, Vidyutsoudha, Somajiguda, Hyderabad

& 6 others

…Respondents